

Applicant : Lisette Cooper et al.
Serial No. : 09/836,484
Filed : April 17, 2001
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Attorney's Docket No.: 11910-003001

Amendments to the Drawings:

The attached new sheets of drawings include figures 6-8, based on figures 1-3 in U.S. Patent 7,236,953, which was incorporated by reference in this application.

Attachments following last page of this Amendment:

New Sheets (2 pages)

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

The sections of patent office guidelines and case law cited by the examiner and the repetition of the previous grounds for rejection do not change the fact that none of the numerous references, alone or in combination, disclose or would have made obvious what is claimed. In particular, the examiner focuses on the grounds for finding a claim obvious when it is “based on the combination of elements found in the prior art” (p. 9, citing *KSR*). However, as the applicant has repeatedly pointed out, and unlike in *KSR*, the claimed elements have ***not been found*** in the prior art. General purpose computers with graphical displays were known, and software for graphing data were known, but no prior art software has been found that caused a computer to display data in the manner claimed, and, even apart from software, no prior art method of graphing has been found that would have made obvious graphing data in the claimed manner.

The examiner also alleges that the claimed invention “does no more than yield predictable results,” but the examiner does not identify what aspect of the graph is supposed to be predictable, let alone how it would have been predictable.

The examiner also notes that attorney argument cannot take the place of evidence, but attorney argument is sufficient to point out why the examiner has failed to make a case that the claims are obvious in the first place.

In the interest of advancing the prosecution of this case, and without conceding any aspect of the examiner's previous positions, the applicant has amended claim 14 to include a reference to the source of the data being graphed: “the range of odds being based on a probability density function of the performance measure, computed from a second derivative of an option price function.” This source of data is described in the applicant's first patent, U.S. Patent 7,236,953 (the ‘953 patent), which was pending at the time this application was filed and was incorporated by reference. The specification has been amended to include portions of the ‘953 patent specification explaining the added claim language, and corresponding figures from the ‘953 patent have been added. The applicant notes that the source of the added portions of the

specification is a combination of the original specification and the appendix of the '953 patent application, which were combined prior to issue. The added figures have been modified to reflect the terms used in the added description.

None of the cited references describe or would have made obvious using a probability density function of a performance measure, computed from a second derivative of an option price function, to generate stripes indicating ranges of odds.

All of the dependent claims are patentable for at least similar reasons as those for the claims on which they depend are patentable.

Canceled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance in which the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended or canceled a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

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No fees are believed to be due at this time. Please apply any other charges or credits to deposit account 06-1050, referencing 11910-003001. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:

10-2-2007



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